

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	15-2211 Dewhurst, et al v. Century Aluminum Co., et al
Originating No. & Caption	2:09-cv-01546 Dewhurst, et al v. Century Aluminum Co., et al
Originating Court/Agency	Southern District of West Virginia

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. §1291	
Time allowed for filing in Court of Appeals	Within 30 days	
Date of entry of order or judgment appealed	September 9, 2015	
Date notice of appeal or petition for review filed	October 7, 2015	
If cross appeal, date first appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-521-4022.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case	10-1759	
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
<p>Plaintiffs Harold Dewhurst and David Bryan ("Class Representatives") and their former union ("USW") filed this class action against Century Aluminum Company and Century Aluminum of West Virginia (collectively, "Century Aluminum") and its retiree medical benefits plan. The proposed class consists of now-retired former Century Aluminum employees ("Retirees") and other beneficiaries. Plaintiffs brought this action under Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185(a) and Sections 502(a)(1)(B) and (a)(3) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132(a)(1)(B) and (a)(3), to enforce collective bargaining agreements ("CBAs") which provide Retirees and other beneficiaries with medical benefits throughout retirement, which they assert are vested and thus not subject to unilateral termination or modification by Century Aluminum. Century Aluminum moved for summary judgment on February 26, 2014, asking the Court to rule in its favor and find that retirees' healthcare benefits were only guaranteed for the terms of the applicable CBAs. Plaintiffs opposed Century Aluminum's motion. The Court granted summary judgment for Century Aluminum on September 9, 2015, finding that the language of the CBAs unambiguously established that retiree medical benefits were not vested.</p>

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

Whether the district court erred as a matter of law when it concluded that no genuine issue of material fact existed regarding the question of whether the parties intended for collectively bargained retiree medical benefits to survive expiration of the CBAs, and held the language of the CBAs unambiguously provided that retiree medical benefits were not vested.

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Century Aluminum Company

Attorney: Ricklin Brown

Address: BAILEY & GLASSER, LLP
209 Capitol Street
Charleston, WV 25301-0000

E-mail: rbrown@baileyglasser.com

Phone: 304-345-6555

Adverse Party: Century Aluminum Company

Attorney: Shay Dvoretzky

Address: JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001-2113

E-mail: sdvoretzky@jonesday.com

Phone: 202-879-3474

Adverse Parties (continued)

Adverse Party: Century Aluminum Company

Attorney: Sarah B. McClure

Address: JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001-2113

E-mail: sbmclure@jonesday.com

Phone: 202-879-3811

Adverse Party: Century Aluminum Company

Attorney: Stanley Weiner

Address: JONES DAY
North Point
901 Lakeside Avenue
Cleveland, OH 44114-0000

E-mail: sweiner@jonesday.com

Phone: 216-586-7763

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See Issues on Page 1.

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Adverse Party: Century Aluminum of West Virginia, Inc.

Attorney: Ricklin Brown

Address: BAILEY & GLASSER, LLP
209 Capitol Street
Charleston, WV 25301-0000

E-mail: rbrown@baileyglasser.com

Phone: 304-345-6555

Adverse Party: Century Aluminum of West Virginia, Inc.

Attorney: Shay Dvoretzky

Address: JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001-2113

E-mail: sdvoretzky@jonesday.com

Phone: 202-879-3474

Adverse Parties (continued)

Adverse Party: Century Aluminum of West Virginia, Inc.

Attorney: Sarah B. McClure

Address: JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001-2113

E-mail: sbmclure@jonesday.com

Phone: 202-879-3811

Adverse Party: Century Aluminum of West Virginia, Inc.

Attorney: Stanley Weiner

Address: JONES DAY
North Point
901 Lakeside Avenue
Cleveland, OH 44114-0000

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Adverse Party: Century Aluminum Master Welfare Benefit Plan

Attorney: Ricklin Brown

Address: BAILEY & GLASSER, LLP
209 Capitol Street
Charleston, WV 25301-0000

E-mail: rbrown@baileyglasser.com

Phone: 304-345-6555

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Attorney: Shay Dvoretzky

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Washington, DC 20001-2113

E-mail: sdvoretzky@jonesday.com

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